

TITLE 8**ALCOHOLIC BEVERAGES**¹**CHAPTER**

1. INTOXICATING LIQUORS.
2. BEER.

CHAPTER 1**INTOXICATING LIQUORS****SECTION**

8-101. Prohibited generally.

8-101. Prohibited generally. Except as authorized by applicable laws² and/or ordinances, it shall be unlawful for any person to manufacture, receive, possess, store, transport, sell, furnish, or solicit orders for, any intoxicating liquor within this city/town. "Intoxicating liquor" shall be defined to include whiskey, wine, "home brew," "moonshine," and all other intoxicating, spirituous, vinous, or malt liquors and beers. "Beer" shall be defined pursuant to *Tennessee Code Annotated*, § 57-5-101.

¹State law reference
Tennessee Code Annotated, title 57.

²State law reference
Tennessee Code Annotated, § 39-17-701, *et seq.*

CHAPTER 2

BEER

SECTION

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8-201. Beer board established. There is hereby established a beer board to be composed of all the members of the Bradford Board of Mayor and Aldermen. A chairman shall be elected annually by the board from among its members. All members of the beer board shall serve without compensation. (Ord. #010311, Jan. 2011)

8-202. Meetings of the beer board. All meetings of the Bradford Beer Board shall be open to the public. The beer board shall hold regular meetings in the city hall at times as it shall prescribe. When there is business to come before the beer board, a special meeting may be called by the chairman, provided he gives reasonable notice thereof to each member. The board may adjourn a meeting at any time to another time and place. (Ord. #010311, Jan. 2011)

8-203. Record of beer board proceedings to be kept. (1) The city recorder shall make a record of the proceedings of all meetings of the beer board.

(2) The record shall be a public record and shall contain at least the following information:

- (a) The date of each meeting;
 - (b) The names of the board members present and absent;
 - (c) The names of the members introducing and seconding motions and resolutions, etc. before the board;
 - (d) A copy of each such motion or resolution presented;
 - (e) The vote of each member thereon; and
 - (f) The provisions of each beer permit issued by the board.
- (Ord. #010311, Jan. 2011)

8-204. Requirements for beer board quorum and action. The attendance of at least a majority of the members of the beer board shall be required to constitute a quorum for the purpose of transacting business. Matters before the board shall be decided by a majority of the members present if a quorum is constituted. Any member present but not voting shall be deemed to have cast a "nay" vote. (Ord. #010311, Jan. 2011)

8-205. Powers of the beer board. The beer board shall have the power and it is hereby directed to regulate the selling, storing for sale, distributing for sale, and manufacturing of beer within the corporate limits of the City of Bradford in accordance with the provisions of this chapter. (Ord. #010311, Jan. 2011)

8-206. Beer defined. The term "beer" as used in this chapter shall be the same definition appearing in *Tennessee Code Annotated*, § 57-5-501. (Ord. #010311, Jan. 2011, as amended by Ord. #02062017, March 2017)

8-207. Permit required for engaging in beer business. It shall be unlawful for any person to sell, store for sale, distribute for sale, or manufacture beer within the corporate limits of Bradford without first making application to and obtaining a permit from the beer board. The application shall be made on such form as the board shall prescribe and/or furnish, and pursuant to *Tennessee Code Annotated*, § 57-5-104(a) shall be accompanied by a non-refundable application fee of two hundred fifty dollars (\$250.00). Said fee shall be in the form of payments via credit card, cash, or check payable to the City of Bradford. Each applicant must be a person of good moral character and he must certify that he has read and is familiar with the provisions of this chapter. (Ord. #010311, Jan. 2011, modified)

8-208. Privilege tax. There is hereby imposed on the business of selling, distributing, storing, or manufacturing beer within the corporate limits of Bradford a privilege tax of one hundred dollars (\$100.00). Any person, firm, corporation, joint stock company, syndicate, or association engaged in the sale, distribution, storage, or manufacture of beer within the corporate limits of Bradford shall remit the tax each successive January 1 to the City of Bradford,

Tennessee. At the time a new permit is issued to any business subject to this tax, the permit holder shall be required to pay the privilege tax on a prorated basis for each month or portion thereof remaining until the next tax payment date. (Ord. #010311, Jan. 2011)

8-209. Beer permits shall be restrictive. All beer permits shall be restrictive as to the type of beer business authorized under them. Separate permits shall be required for selling at retail, storing, distributing, and manufacturing. It shall be unlawful for any beer permit holder to engage in any type or phase of the beer business not expressly authorized by his permit. It shall likewise be unlawful for him not to comply with any and all express restrictions or conditions of his permit. (Ord. #010311, Jan. 2011)

8-210. Prohibited beer sales. The beer board shall not issue a beer permit for any of the following:

- (1) The sale of beer on Sundays;
- (2) The sale of beer for on-premises consumption; or
- (3) The sale of beer for any temporary or occasional business, function, or celebration. (Ord. #010311, Jan. 2011)

8-211. Limitations on number of permits. There shall be no more than three (3) permits issued by the City of Bradford for the sale of beer within the corporate city limits. (Ord. #010311, Jan. 2011)

8-212. Issuance of permits to persons convicted of certain crimes prohibited. No beer permit shall be issued to any person who has been convicted for the illegal possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude, within the ten (10) year period preceding the date of application for a beer permit. (Ord. #010311, Jan. 2011)

8-213. Drive-through window sales. No beer permit holder shall allow beer sales by means of a drive-through window unless such sale and delivery has been specifically approved by the beer board and such approval made a part of the holder's beer permit. (Ord. #010311, Jan. 2011)

8-214. Interference with the public health, safety, and morals prohibited. No permit authorizing the sale of beer will be issued when such business would cause congestion of traffic or would interfere with schools, licensed day care centers, churches, or other places of public gathering, or would otherwise interfere with the public health, safety, or morals. In no event will a permit be issued authorizing the manufacture or storage of beer, or the sale of beer within three hundred feet (300') of any school, licensed day care center, church, or other place of public gathering. The distance herein above established

shall be measured along straight lines from the nearest point of the building from which the beer will be sold, manufactured, or stored to the nearest point of the building housing a school, licensed day care center, church, or other place of public gathering. No permit shall be suspended, revoked, or denied on the basis of proximity of the establishment to a school, licensed day care center, church, or other place of public gathering if a valid permit had been issued to any business on that same location unless beer is not sold, distributed, or manufactured at that location during any continuous six (6) month period. (Ord. #010311, Jan. 2011)

8-215. Prohibited conduct or activities by beer permit holders, employees, and persons engaged in the sale of beer. It shall be unlawful for any beer permit holder, employee or person engaged in the sale of beer to:

(1) Employ any minor under eighteen (18) years of age in the sale, storage, distribution or manufacture of beer.¹

(2) Make or allow the sale of beer between the hours of 12:00 midnight and 6:00 A.M. on weekdays and between the hours of 12:00 midnight Saturday and 12:00 noon on Sunday.²

(3) Allow any person under twenty-one (21) years of age to loiter in or about his place of business.³

(4) Make or allow any sale of beer to any intoxicated person or to any feeble-minded, insane, or otherwise mentally incapacitated person.

(5) Allow drunk persons to loiter about his premises.

(6) Serve, sell, or allow the consumption on his premises of any alcoholic beverage with an alcoholic content higher than beer.

(7) Fail to provide and maintain separate sanitary toilet facilities for men and women.

8-216. Revocation or suspension of beer permits. (1) The beer board shall have the power to revoke or suspend any beer permit issued under the provisions of this chapter when the holder thereof is guilty of making a false

¹State law reference

Tennessee Code Annotated, § 1-3-113(a).

²State law reference

Tennessee Code Annotated, § 57-5-106(a), for cities with liquor by the drink, the Alcoholic Beverage Commission sets the hours of operation, which may only be modified by ordinance to reduce hours on Sundays under *Tennessee Compilation Rules and Regulations* § 0100-01-.03(2).

³State law reference

Tennessee Code Annotated, § 57-5-106(a).

statement or misrepresentation in his application or violating any of the provisions of this chapter. However, no beer permit shall be revoked or suspended until a public hearing is held by the board after reasonable notice to all the known parties of interest. Revocation or suspension proceedings may be initiated by the police chief or by any member of the beer board.

(2) Pursuant to *Tennessee Code Annotated*, § 57-5-608, the beer board shall not revoke or suspend the permit of a "responsible vendor" qualified under the requirements of *Tennessee Code Annotated*, § 57-5-606 for a clerk's illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk's original certification, unless the vendor's status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor's certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. "Clerk" means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under *Tennessee Code Annotated*, § 57-5-608, the alcoholic beverage commission shall revoke a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve (12) month period. The revocation shall be for three (3) years. (Ord. #010311, Jan. 2011)

8-217. Civil penalty in lieu of revocation or suspension.

(1) Definition. "Responsible vendor" means a person, corporation, or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the Tennessee Responsible Vendor Act of 2006, *Tennessee Code Annotated*, §§ 57-5-601, *et seq.*

(2) Penalty, revocation, or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors, or a civil penalty not to exceed one thousand dollars (\$1,000.00) for any other offense.

The beer board may impose on a responsible vendor a civil penalty not to exceed one thousand dollars (\$1,000.00) for each offense of making or permitting to be made any sales to minors or for any other offense.

If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose. (Ord. #010311, Jan. 2011)

8-218. Loss of clerk's certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under *Tennessee Code Annotated*, § 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board's determination. (Ord. #010311, Jan. 2011)

8-219. Violations and penalty. Except as provided in § 8-218, any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable by a penalty under the general penalty provisions of the Bradford Municipal Code. Each day a violation shall be allowed to continue shall constitute a separate offense. (Ord. #010311, Jan. 2011)